

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/S Belair Road, 126.96' N of
its intersection w/Martin Avenue * DEPUTY ZONING COMMISSIONER
(8012 Belair Road)
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District * Case No. 99-92-SPH

KKD/Belair Road, LLC
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, KKD/Belair Road, LLC, by David G. Rhodes, President of Heritage Properties, Inc., through their attorney, Stuart D. Kaplow, Esquire. The Petition, as filed, seeks approval of a waiver, pursuant to Sections 26-171, 26-172(b), 26-203(C(B), and 26-278 of the Baltimore County Code (B.C.C.), to raze, alter and remove the existing historic building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Rick Bechtold, a representative of Heritage Properties, Inc., Debra Hettleman, a representative of The Morlan Group, LLC, a consulting firm which specializes in historic structures, David Martin, Landscape Architect with G. W. Stephens, Jr., Inc., who prepared the site plan for this property, and Stuart D. Kaplow, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.53 acres, more or less, split zoned B.L.-A.S. and D.R.5.5 and is improved with a 2.5 story masonry/stucco building which

ORDER RECEIVED FOR FILING

Date 10/27/98
BY [Signature]

is currently vacant. The building is a historic structure, formerly known as the "Hotel Fullerton", and is listed on the Maryland Historical Trust Inventory as No. BA 2621. Most recently, the building housed a Lodge of the Moose Order, which has since vacated the premises. The building has become dilapidated and in fact, the top two floors have been condemned by Baltimore County. The owners of the property wish to raze the building and redevelop the site for future use.

This waiver request was submitted for consideration by the Landmarks Preservation Commission which recommended approval of the demolition of the subject structure at their September 10, 1998 meeting. Moreover, by their Zoning Plans Advisory Committee (ZAC) comments, dated October 9, 1998, the Office of Planning has recommended that the building be razed to open the subject site for future development. In fact, all parties in attendance at the hearing were in agreement that the subject building should be demolished. At issue, however, is the procedure by which individuals who wish to raze, alter or modify existing historic structures or properties, must follow.

At the hearing, the Petitioner advised this Hearing Officer that the instant Petition was filed in accordance with the procedure established by the Department of Permits and Development Management (DPDM). However, several of the Sections cited within the Petition are not applicable to the special hearing relief requested in this case. Mr. Kaplow testified that he merely followed the format provided to him by DPDM at the time he filed the special hearing request.

The Petitioner in this case is attempting to remove a historic structure which is listed on the Maryland Historical Trust Inventory. Section 26-278 of the Baltimore County Code mandates that "Historic structures

or sites identified on any of the lists referred to in Section 26-203(C)(8) must be preserved." Section 26-203(C)(8) of the Code specifically identifies, among other items, structures listed on the Maryland Historical Trust Inventory, such as the Hotel Fullerton in this case. Inasmuch as the subject structure is listed on the Maryland Historical Trust Inventory, the Petitioners should have been advised to seek a waiver from Section 26-278 of the Code. Moreover, the Office of Planning noted in their ZAC comments the proper format for requesting a waiver of this type and cited Section 26-278 as the applicable regulation. Therefore, it is clear that a waiver must be granted from Section 26-278 in order for the Petitioners to raze the subject structure.

My authority to grant a waiver from Section 26-278 of the Code is found in Section 26-172(a) of the Code. That Section provides that "At the request of a Department Director, the Hearing Officer may grant a waiver of any and all requirements of Division 3, 4, and 5 of these regulations." These waivers may only be granted upon certain findings as specified in the previously mentioned Sections. As noted above, the Director of the Office of Planning has recommended that the requested waiver be granted to allow the razing of the subject historic structure. Therefore, pursuant to Section 26-172(a)(2) of the Code, I find that a waiver should be granted in that compliance with the regulations applicable to this historic structure would cause unnecessary hardship upon the Petitioner.

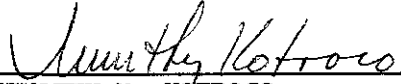
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 27th day of October, 1998, that the

Petition for Special Hearing to approve a waiver of the requirements of Section 26-278 of the Baltimore County Code to allow removal of the subject historical structure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a waiver, pursuant to Sections 26-171, 26-172(b), and 26-203(C)(B), of the Baltimore County Code, to raze, alter and remove the existing historic building, be and is hereby DISMISSED AS MOOT.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
8/26/07
10/23/08



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 27, 1998

Stuart D. Kaplow, Esquire
15 E. Chesapeake Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
NW/S Belair Road, 126.96' N of its intersection w/Martin Avenue
(8012 Belair Road)
14th Election District - 6th Councilmanic District
KKD/Belair Road, LLC - Petitioners
Case No. 99-92-SPH

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. David G. Rhodes, President, Heritage Properties, Inc.
515 Fairmount Avenue, Towson, Md. 21286

Mr. Debra Hettleman, The Morlan Group, LLC
1261 Berans Road, Owings Mills, Md. 21117

Office of Planning; People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8012 BELAIR ROAD

which is presently zoned BL-AS/DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A VARIANCE PURSUANT TO BALTIMORE COUNTY CODE SECTIONS 26-171, 26-172(b),
26-203(c)(8) AND 26-278, TO RAISE, ALTER AND REMOVE THE EXISTING
BUILDING.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

KKD/BELAIR ROAD, LLC

By: HERITAGE PROPERTIES, INC.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

STUART D. KARLOW

Name

502 BALTIMORE AVE. 21204

410-339-3910

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Attorney for Petitioner:

STUART D. KARLOW

STUART D. KARLOW, P.A.

(Type or Print Name)

Signature

502 BALTIMORE AVE

410-339-3910

Address

Phone No.

TOWSON

MD

21204

City

State

Zipcode

DROP-OFF
No REVIEW

9/2/98

HA

Zoning Administration

Seal of Baltimore County

99.92-SPH



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

ZONING DESCRIPTION
August 25, 1998

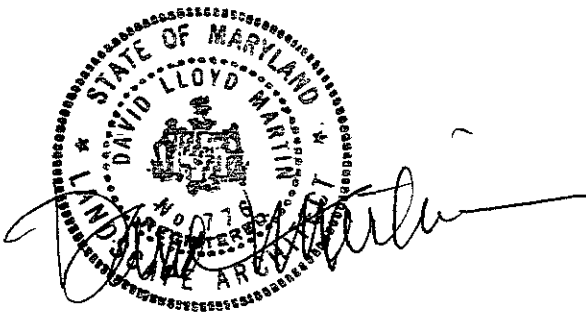
Description to accompany a Special Hearing Request
8012 Belair Road
Baltimore County, Maryland
Deed References: 0012834 / 149
Property of: KKD / Belair Road, L.L.C.

Beginning for the same at a point at the intersection of Belair Road, 104' wide, and Martin Avenue, 15' wide thence N32°42'51"E, 126.96' to a **Point of Beginning** on the subject property, thence the following courses:

N48°06'21"W, 164.81', thence S80°35'26"W, 9.92', thence S46°02'39"W, 94.55', thence S41°53'39"W, 9.63', thence N47°38'42"W, 375.96', thence N85°37'42"E, 196.28', thence S61°57'33"E, 118.75', thence S58°28'18"E, 69.51', thence S56°10'10"E, 45.25', thence S52°10'11"E, 188.42', S40°51'53"W, 93.83' back to the Point of Beginning, Containing a total of 66,717 Square Feet, (1.53 acres).

NOTE:

The above description is for zoning purposes only and is not intended to be used for property conveyances or agreements.



BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **058702**

DATE 9/2/98 ACCOUNT 001-6150

AMOUNT \$ KEE 250.00 (WCR)

RECEIVED FROM: KKD/Belair Road, LLC

FOR: SPECIAL HEARING Item # 92

8012 Belair Road Case # 99-92-SPH

Drop-Off — No Review

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATA RECEIPT
TRID RECEIPT

PROCESS ACTION TIME

9/04/1998 9/03/1998 15:48:28

REQ 0502 CASHIER DRIC JNR DRAWER 2

5 MISCELLANEOUS CASH RECEIPT

Receipt # 061839

CR NO. 058702

OFLN

250.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/24/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/24/, 1998.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-92-SPH
8012 Belair Road
NW/8 Belair Rd, NE/S Martin
Avenue and SW Putty Hill
14th Election District
6th Councilmanic District
Legal Owner(s): KKD/Belair
Road, LLC

Special Hearing: to approve a waiver pursuant to Baltimore County Code Sections 26-171, 26-172(B), 26-203(C)(B) and 26-278 to raze, alter and remove the existing building.

Hearing: Tuesday, October 13, 1998 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

9/347 Sept. 24 C261145

CERTIFICATE POSTING

RE: Case No.: 99-92 SPH
MOOSE CLUB, ETAL
Petitioner/Developer: K.K.D. BELAIR, LLC
G.W. STEPHENS - D. MARTIN
% S. KAPLOW, ESQ

Date of Hearing/Closing: 10/13/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #8012 BELAIR RD.

The sign(s) were posted on

9/28/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/1/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

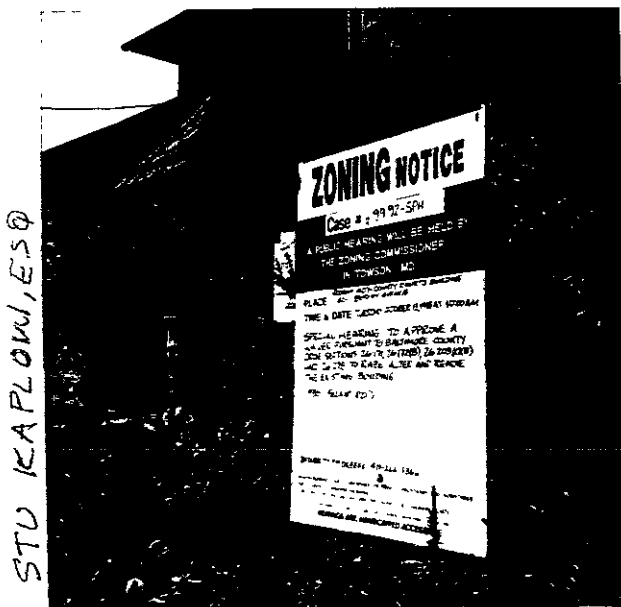
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



KKD, BELAIR 99-92-SPH
ROAD, LLC
8012-BELAIR RD.

9/28/98 G.W. STEPHENS 10/13/98

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-92-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE A
WAIVER PURSUANT TO BALTIMORE COUNTY
CODE SECTIONS 26-171, 26-172(B), 26-203
(C)(8) AND 26-278 TO RAZE, ALTER AND
REMOVE THE EXISTING BUILDING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
September 24, 1998 Issue - Jeffersonian

Please forward billing to:

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, MD 21204

410-339-3910

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-92-SPH

8012 Belair Road

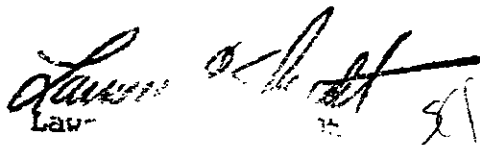
NW/S Belair Road, NE/S Martin Avenue and SW Putty Hill

14th Election District - 6th Councilmanic District

Legal Owner: KKD/Belair Road, LLC

Special Hearing to approve a waiver pursuant to Baltimore County Code Sections 26-171, 26-172(B), 26-203(C)(B) and 26-278 to raze, alter and remove the existing building.

HEARING: Tuesday, October 13, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Law-

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 14, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-92-SPH
8012 Belair Road
NW/S Belair Road, NE/S Martin Avenue and SW Putty Hill
14th Election District - 6th Councilmanic District
Legal Owner: KKD/Belair Road, LLC

Special Hearing to approve a waiver pursuant to Baltimore County Code Sections 26-171, 26-172(B), 26-203(C)(B) and 26-278 to raze, alter and remove the existing building.

HEARING: Tuesday, October 13, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a date "9/14" written below it.

Arnold Jablon
Director

c: Stuart D. Kaplow, Esquire
KKD/Belair Road, LLC

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 28, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 9, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 8012 Belair Road

INFORMATION

Item Number: 92
Petitioner: Stuart Kaplow
Zoning: BL-AS/DR 5.5
Requested Action: Special Hearing
Hearing Date: Tuesday, October 13, 1998

COMMENTS ON PROCEDURE - The petition requests a Special Hearing "to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(c)(8) and 26-278...." The first reference is incorrectly stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2. A waiver might be granted (pursuant to the authority in Section 26-172) in conjunction with a finding of eligibility under Section 26-171, but a waiver could not be granted "pursuant to" the latter section.
2. Subsection 26-172(b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172(a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172(b) unnecessary.
3. Subsection 26-203(c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172(b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

MEMO TO: Arnold Jablon
DATE: October 9, 1998
SUBJECT: 8012 Belair Road
Page 2

RECOMMENDATIONS ON PROCEDURE - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, to request an approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a) (1) or (2).

RECOMMENDATIONS ON THE PROPOSAL - The property located at 8012 Belair Road, called the "Hotel Fullerton", is listed on the Maryland Historical Trust Inventory as No. BA 2621. At their meeting on September 10, 1998, the Landmarks Preservation Commission recommended approval for the demolition of this structure.

The Office of Planning recommends approval of a waiver from compliance with Section 26-278 with the finding that compliance with these regulations would cause unnecessary hardship. The structure is in poor condition (the County has condemned the top floors of the structure), and has also been altered over the years to the extent that very little remains of the original historic fabric.

Section Chief: Jeffrey W. Long
AFK:JL:KA:rlh

c: Robert C. Scott
Landmarks Preservation Commission



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 9.11.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 092

WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/14/98

DATE: 9/17/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

92

93

95

98

99

100

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: September 23, 1998

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 21, 1998
Item Nos. 091, 092, 093, 095, 096,
097, 098

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0921.NOC

RE: PETITION FOR SPECIAL HEARING
8012 Belair Road, NW/S Belair Rd, NE/S Martin
Ave and SW Putty Hill, 14th Election District,
6th Councilmanic

Legal Owners: KKD/Belair Road, LLC

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-92-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esq., 502 Baltimore Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 2, 1998

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, MD 21204

Dear Mr. Kaplow:

RE: Drop-Off Petition, Item #92, Case #99-92-SPH, 8012 Belair Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

September 21, 1998

Stuart D. Kaplow, Esquire
502 Baltimore Avenue
Towson, MD 21204

Dear Mr. Kaplow:

RE: Drop-Off Petition Review (Item #92), 8012 Belair Road, 14th Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Legal Owner's address and telephone number must be added to the petition form.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Merrey", written over a circular stamp.

Joseph C. Merrey
Planner II, Zoning Review

JCM:rye

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

STUART D. KAPLOW, P.A.
ATTORNEYS AT LAW
502 BALTIMORE AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 339-3910
FACSIMILE (410) 339-3912

August 28, 1998

Via Hand Delivery

Department of Permits and Development Management
Attn: Mr. W. Carl Richards, Jr.
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Drop Off Filing of Petition for Special Hearing
KKD/Belair Road, LLC

Dear Carl:

Please accept for drop off (expedited) filing the following related to a request to raze an existing building, that appears on the Maryland Historic Trust list, located at 8012 Belair Road (be aware that we have elected to seek a special hearing in lieu of the optional posting procedure):

- 3 original Petitions for Special Hearing;
- 12 copies of the Special Hearing Plat;
- 3 legal descriptions (for zoning purposes); and
- 1 check payable to Baltimore County in the amount of \$250.

You efforts at processing this petition and having this matter scheduled for a timely hearing are greatly appreciated.

There are no violations on this property.

Be aware that while he has not yet seen this plan, Joe Merrey has reviewed prior plans for the related development at 8010 Belair Road.

Patrick M. O'Keefe, at 410-666-5366, will be posting the property.

Thank you in advance for your courtesies. If there are any problems with this request, please have someone give me a call.

Sincerely,


Stuart D. Kaplow

SDK:tbm

cc: Mr. David G. Rhodes, Heritage Properties, Inc.

99.92-SPH

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

David Martin - OWS.

DEBRA HETTRICH

Rick Bechtold

Steve D. Knowl

ADDRESS

650 Kenilworth Dr. Tuxton

THE MORLEY GROUP, LLC

1201 Borows Rd 21117

Hemlock Properties Inc.

515 Fairmount Ave 21286

15 East Chestnut Ave 21204



THE MORLAN GROUP, LLC

1261 Berans Road
Owings Mills, Maryland 21117
410.308.4800
fax 410.560.2217
e-mail dhettleman@aol.com

October 12, 1998

Mr. Richard E. Bechtold
Heritage Properties, Inc.
515 Fairmount Avenue, Suite 900
Towson, Maryland 21286

RECEIVED
OCT 14 1998
2

Re: **8012 Belair Road, Baltimore County**
Historic Significance Evaluation

Dear Mr. Bechtold.

This letter responds to the request of Heritage Properties, Inc. for an historic significance evaluation of 8012 Belair Road, Baltimore County.

As supported by the analysis described below, it is my professional opinion that 8012 Belair Road does not today have historical significance worthy of preservation.

8012 Belair Road is listed as Maryland Historic Trust site number BA2621, Hotel Fullerton (Gardenville Moose). It is significant that the property is not listed on the National Register of Historic Places, nor is it within a National Register District, nor is it listed on the Baltimore County Preliminary or Final Landmark List, nor is it within a Baltimore County Local Historic District. The Maryland Historic Trust Inventory is merely a compilation of sites which are fifty years or older, approximately 2900 of which are in Baltimore County, that may or may not be of historic significance.

Baltimore County law requires that historic structures or sites be preserved. Currently there are no guidelines for historic preservation in the Baltimore County Code.

Given that there are no local guidelines, in establishing a framework to analyze the historic nature of 8012 Belair Road, I have used the *The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings, 1995*. These Standards are regulatory for projects receiving grant-in-aid through the National Historic Preservation Fund and serve "as general guidance for work on any historic building".

Richard E. Bechtold

Page Two

October 12, 1998

Accordingly, the Standards establish four considerations for determining the treatment of historical buildings: (1) relative importance in history; (2) physical condition; (3) proposed use; and, (4) mandated code requirements.

Relative Importance in History

I have conducted a literature search and found no evidence of the building's prominence. It was not designed by a master architect nor is there documentation of an important event having taken place at the site. In the *History of the Belair Road*, published under the auspices of the Belair Road Improvement Association in 1925, there is no mention of the Hotel Fullerton. The only indication that it existed is through an advertisement, placed by the owners of the Hotel. The Hotel Fullerton is advertised as "Six Miles from Baltimore on the Belair Road." (See Attached)

Physical Condition

The building as it stands today is in complete disrepair. Of importance, Baltimore County has condemned the upper levels of the building (obviously, a complete walk-through was not possible).

All windows, but one, have been replaced with plywood (which is noticeably delaminating) or concrete block. The lone remaining window is covered with a metal security grate. All of the entrances have been replaced with metal security doors.

The interior condition resembles the exterior in level of disrepair. The panels of the drop ceiling have been removed, along with any wires or cables that may have had value. The HVAC unit has also been removed, (it was reportedly stolen).

Proposed Use

The building could not be used today as it was historically. Use as a hotel is clearly not possible. Based upon the extent of disrepair, the building could not be preserved, as County law requires, for commercial occupancy of any kind. Moreover, in its current condition, the building is a safety hazard, as evidenced by the condemnation.

Mandated Code Requirements

Based on limited access, it appears that the building does not meet the mandated County codes.

Beyond these four considerations, there are Guidelines offered by the Secretary which provide an historical overview of building and site elements that should be considered in all preservation projects. Again, using this very specific overview demonstrates that 8012 Belair Road does not today have historic significance

Richard E. Bechtold
Page Three
October 12, 1998

Building Materials

8012 Belair Road has been subjected to numerous ad hoc additions, making the original structure barely discernable. The building is primarily constructed of concrete block which has been painted, and covers the building original exterior. The only other masonry feature, the brick chimney, is kept in place with some type of rope, anchoring it to the building. (See Attached)

Exterior Features

The roof is asphalt shingles over cresting dormers. The windows, as noted above, that have not been blocked in, have been replaced with plywood, apparently delaminating. The front porch has been enclosed with concrete block. All entrances have been replaced with metal security doors and frames. There is no storefront of any kind. (See Attached)

Interior Features

There are no distinguishing features or finishes remaining in the building. As mentioned, the top floors have been condemned. The basement and first level are the only accessible areas. These areas have been stripped of the ceiling tiles, mechanical systems, and air conditioning. It is difficult to speculate what else has been removed, however, very little remains. (See Attached)

Building Site/Setting

Any historic significance with respect to setting is greatly compromised in that the building is situated 14 feet from Belair Road. It certainly had a grander presence at one time, however the widening of Belair Road took all but a small portion of the front yard and entrance. (See Attached) (It is interesting to note that the Belair Road was once a private turnpike, built by convict labor.)

Conclusion

As supported by the analysis described above, it is my professional opinion that 8012 Belair Road does not, today, have historical significance worthy of preservation. Further, there is no historic basis for not granting the relief requested in the Petition for Special Hearing

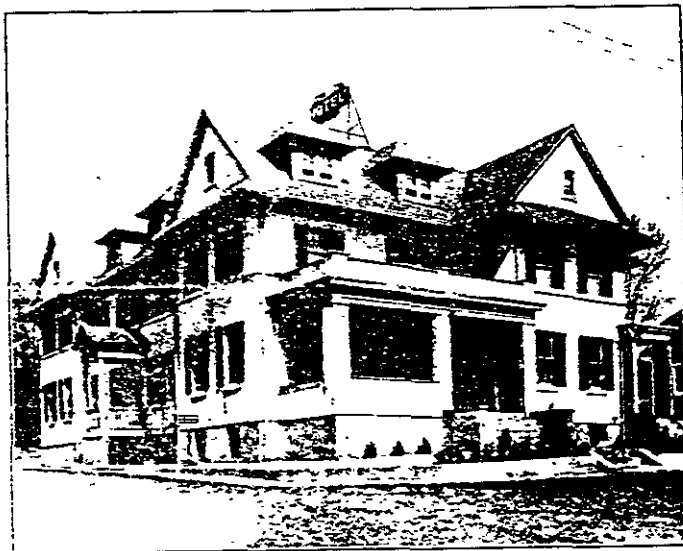
Very truly yours,


Debra E. Hettleman
Principal

Attachments

DEH/tbm

HOTEL FULLERTON



SIX MILES FROM BALTIMORE
ON THE BELAIR ROAD

MEALS SERVED FROM 11 A. M. TO 11 P. M.

SEAFOOD DINNERS
A SPECIALTY

CHICKEN and WAFFLE
DINNERS

Also a la Carte Service

Tourists Accommodated

FOR GOOD, QUICK SERVICE CALL

BOULEVARD 1257

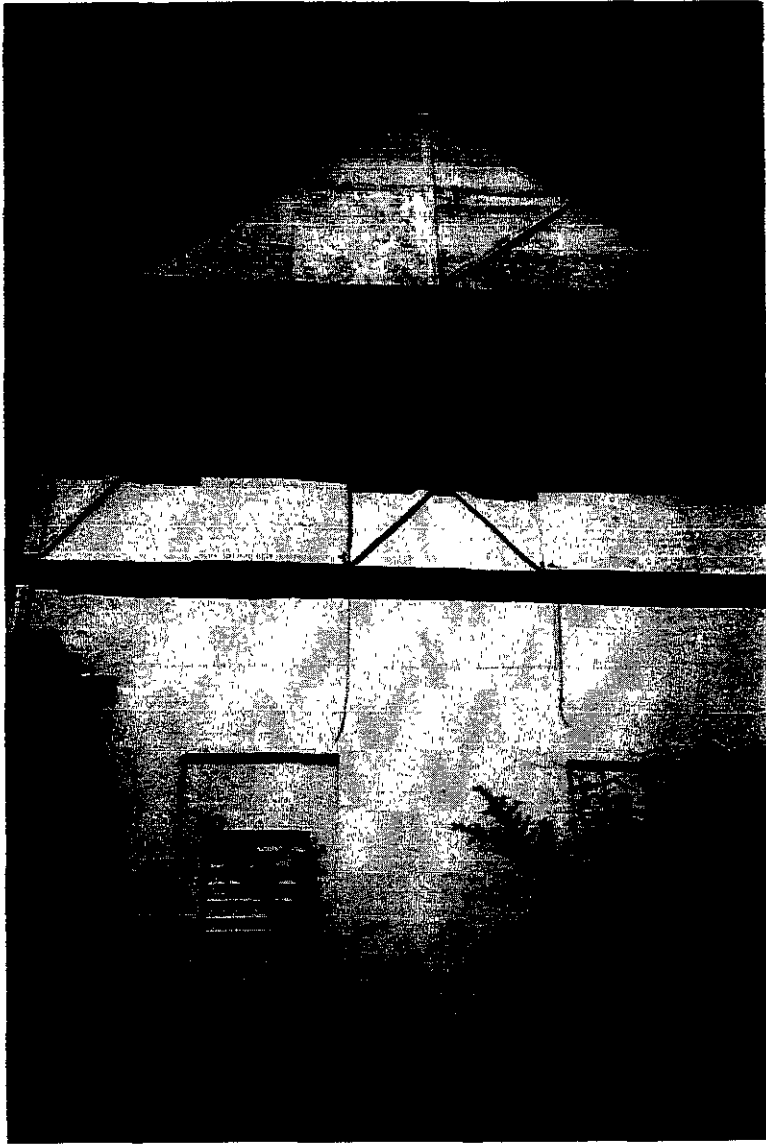
1751



BLOCK WALL CONSTRUCTION



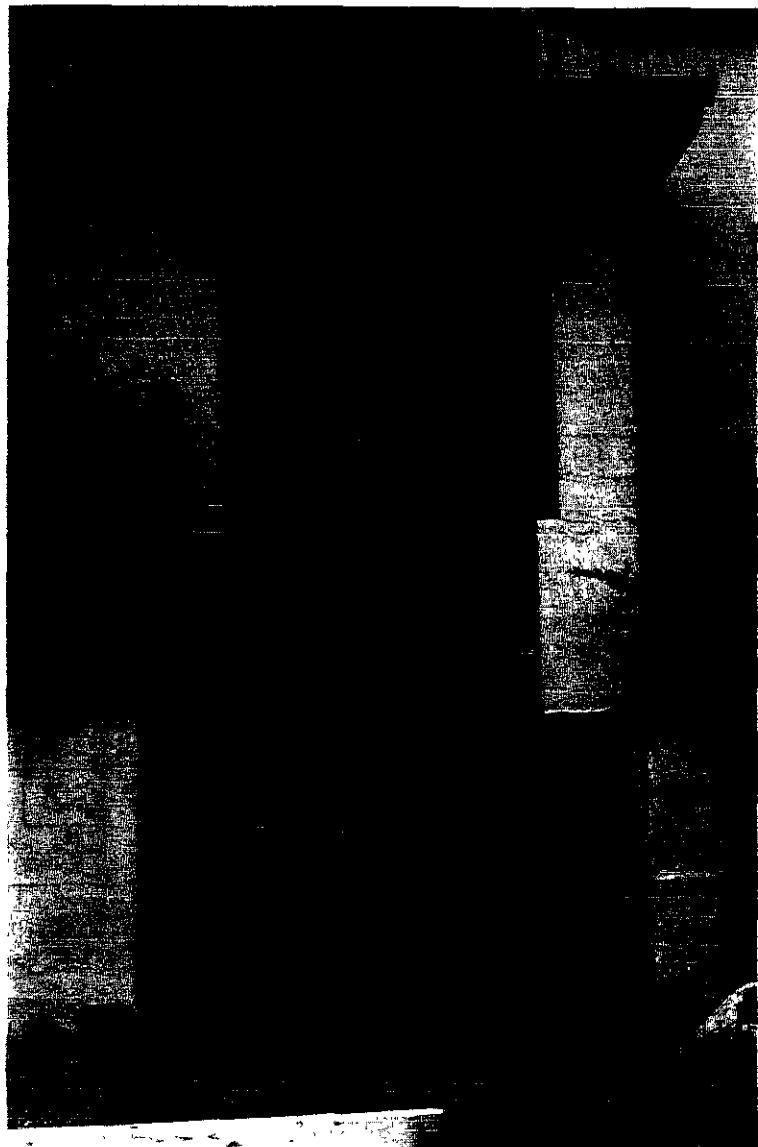
BRICK CHIMNEY



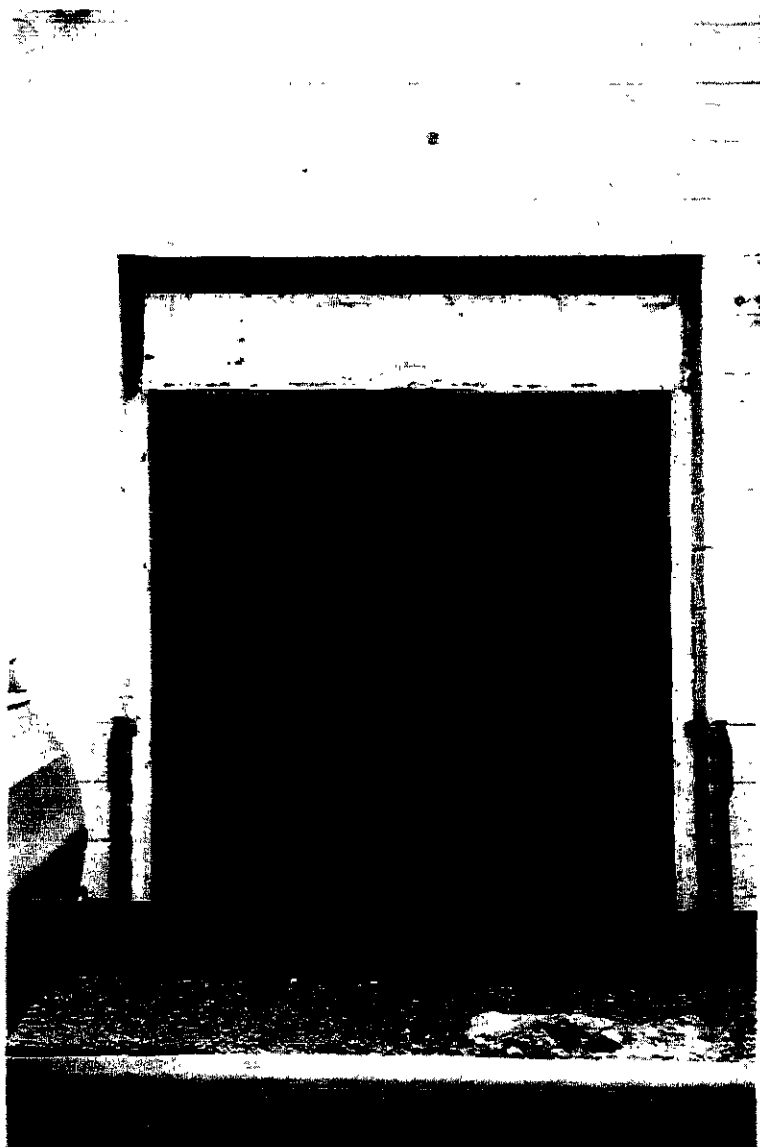
WINDOWS COVERED WITH PLYWOOD



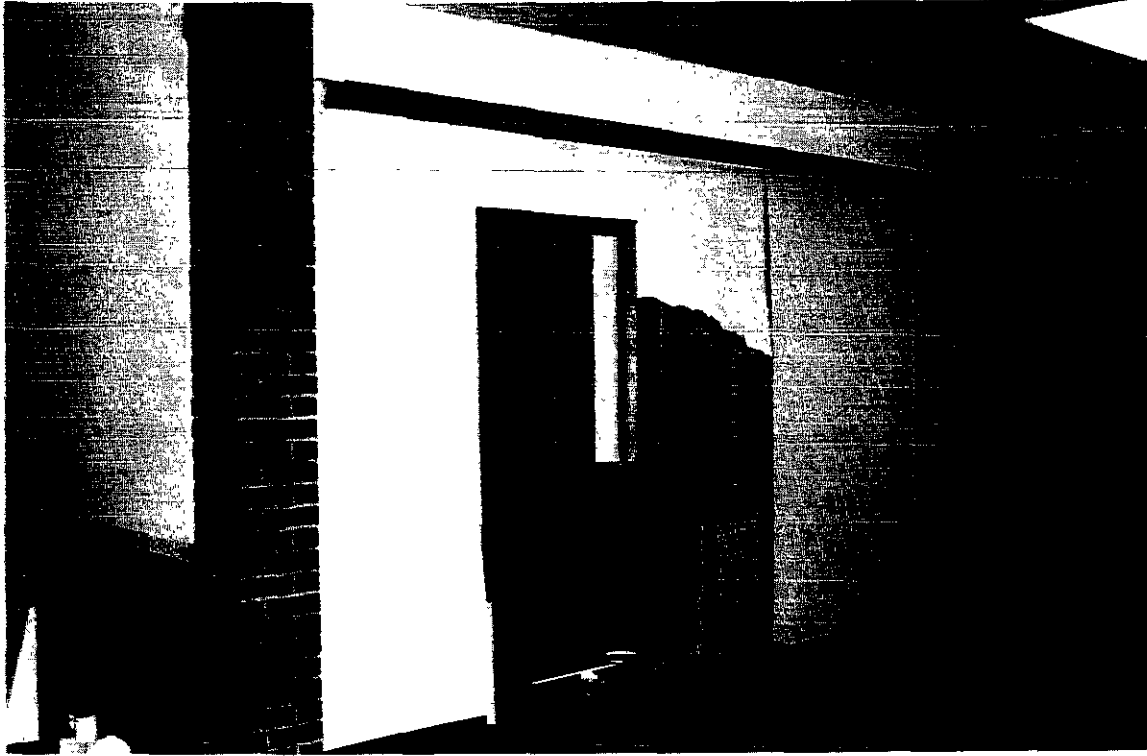
GRATED WINDOW



MAIN ENTRANCE



SIDE ENTRANCE



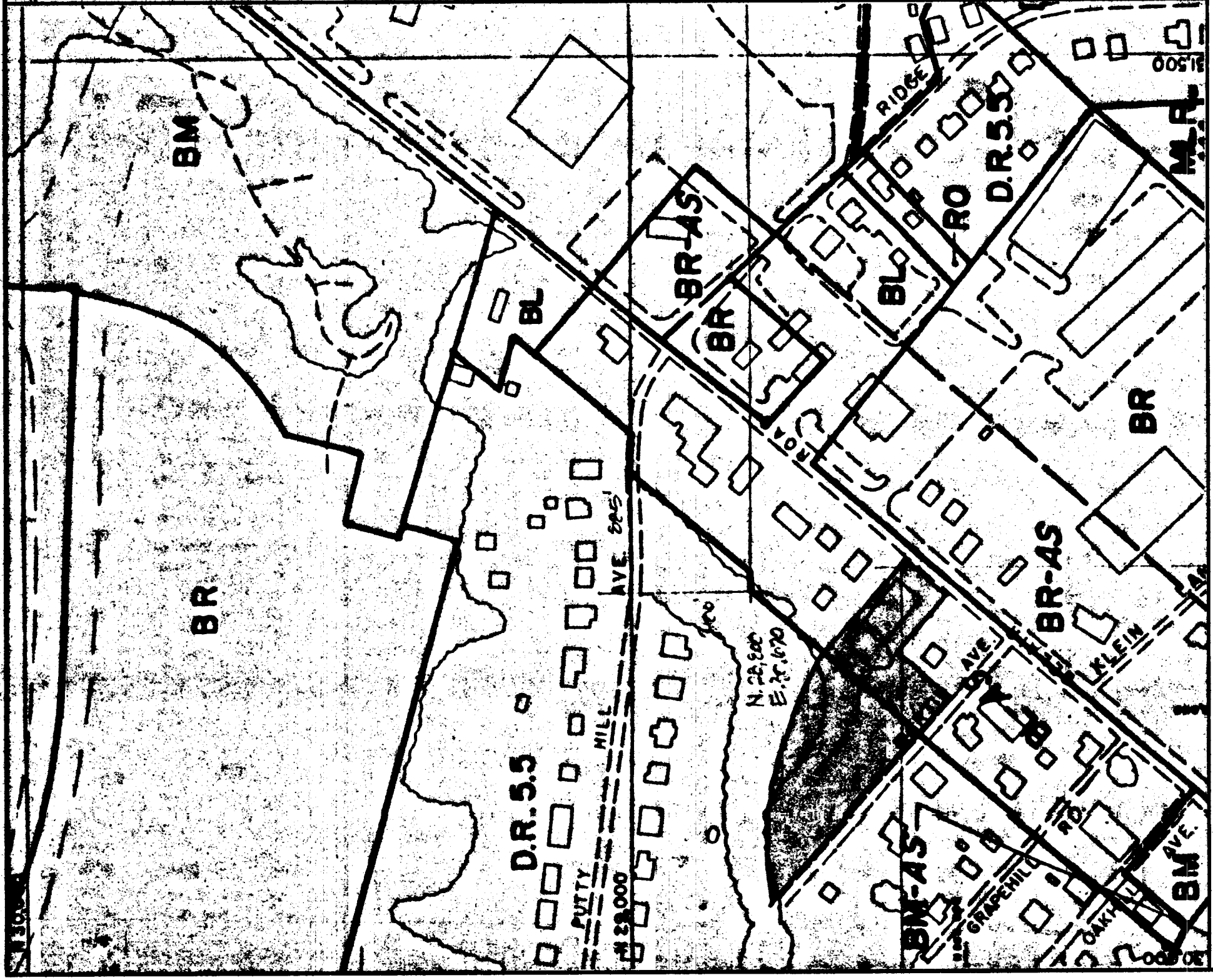
INTERIOR DISREPAIR



ABSENT AIR CONDITIONING UNIT



BLOCKED IN FRONT PORCH
&
REMAINDER OF FRONT YARD AFTER BELAIR ROAD WIDENING



PART OF ZONING MAP N.E. 8-F
SCALE: 1" = 200'

SITE DATA	
SITE AREA	153 AC±
EXISTING ZONING	BR-AS & DR-55
EXISTING USE	FRATERNAL ORGANIZATION
PROPOSED USE	FRATERNAL ORGANIZATION
DEED REFERENCE	12834149
TAX ACCOUNT NUMBER	1407001025

EX. BUILDING FLOOR AREA	9168.91 SF
TOTAL FLOOR AREA RATIO	9,168.91 SF / 20,605.22 SF = 0.44 (3.0 permitted)

PARKING SPACE DIMENSIONS:	8' 6" x 18' / 8' x 18'
Typical Space	
Handicap Space	(All spaces to be permanently striped)

PARKING TABULATION

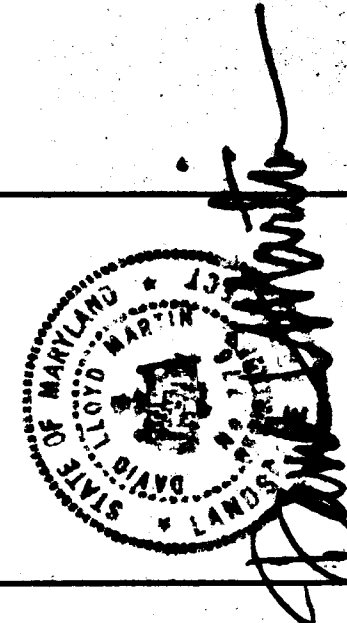
BUILDING USE TABULATION:	2,000.00 SF
FRATERNAL OFFICES:	7,168.91 SF (200 SEATS)
AUDITORIUM/BANQUET:	3.3 SPACES / 1000 SF = 7 SPACES
FRATERNAL OFFICES:	1 SPACE / 4 SEATS = 50 SPACES
AUDITORIUM/BANQUET:	
TOTAL PARKING REQUIRED:	= 57 SPACES
TOTAL PARKING PROVIDED:	= 66 SPACES
**A TOTAL OF 48 SPACES ARE LOCATED IN THE RESIDENTIAL ZONE.	

ZONING HISTORY: N/A

PREVIOUS COMMERCIAL BUILDING PERMIT: N/A

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

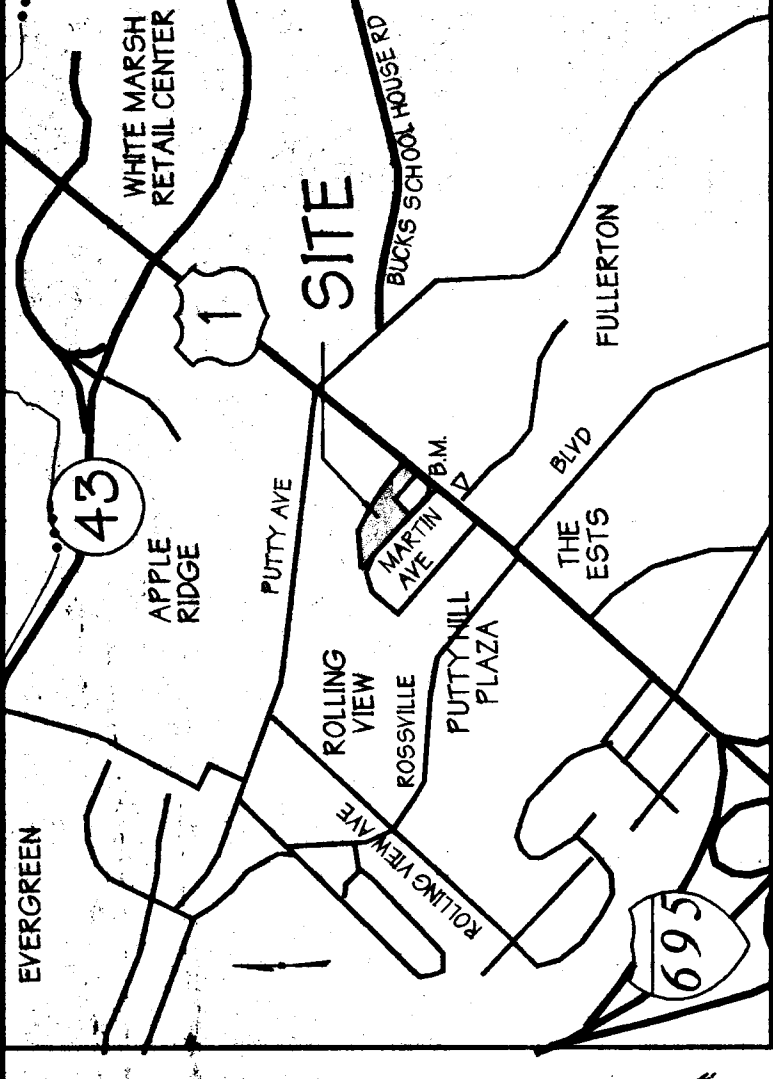


OWNER
KKD / BELAIR ROAD, L.L.C.
% HERITAGE PROPERTIES, INC.
515 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
PHONE: 410-769-6100

PLAT TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING

for
8012 BELAIR ROAD,
BALTIMORE COUNTY, MARYLAND

Election District 14
Councilman District 6
Scale: 1" = 30'
Tax Map 81 - Parcel 74
AUGUST 26, 1998
Sheet 1 of 1



VICINITY MAP
SCALE: 1" = 1000'

LEGEND	
PROPERTY LINE	---
PROPOSED CONC. C&G	---
EX. CONC. C&G	---
EXISTING TIE LINE	---
ZONING	---
WETLANDS	---

SPECIAL HEARING
26-17126-17236(126-203(C)(2)) and
26-278- SPECIAL HEARING TO
APPROVE A WAIVER TO
RAZE A HISTORIC BUILDING.

PETITIONER'S
EXHIBIT 1

99-92-SPH